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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, v. GOOGLE INC., Defendant.	CASE NO. C 05-03649 JW **Joint Case Management Statement Pursuant to June 17, 2008 Order Following Case Management Conference** Date: October 6, 2008 Time: 10:00 a.m. Place: Courtroom 8 Judge: Honorable James Ware

Dockets.Justia.com

The parties to the above-entitled action jointly submit this Case Management Statement pursuant to the Court's June 17, 2008 Order Following Case Management Conference.

CLASS CERTIFICATION MOTION UPDATE

The parties jointly ask the Court to postpone the November 21, 2008 hearing on Plaintiffs' anticipated Motion for Class Certification due to the discovery issues described below. The parties will further update the Court at the Case Management Conference currently scheduled for October 6, 2008 at 10:00 am.

The parties are currently pursuing discovery. Plaintiffs served Defendant a Request for Production of Documents on July 21, 2008. Google has produced some documents in response to the requests, and plans to complete production over approximately the next three to six months, depending on the scope of production the parties ultimately agree on. Plaintiffs also served Defendant a Notice of Rule 30(b)(6) Deposition of Google Inc. on July 21, 2008. The parties are waiting to schedule the dates that Google will produce witnesses in response to the deposition notice until Google produces certain documents responsive to Plaintiffs' document requests. The parties are negotiating the scope and schedule of the requested depositions. Finally, Plaintiffs served Defendant interrogatories on July 21, 2008, to which Defendant objected and responded on August 25, 2008. The parties are in the process of meeting and conferring regarding Defendant's responses and objections.

Defendant served Plaintiffs with a Request for Production of Documents on July 22, 2008. Plaintiffs have produced some documents in response to the requests and expect to complete the production next week. Defendant served Plaintiffs with Requests for Admissions and Interrogatories (Set One) on August 25, 2008, and a Second Set of Interrogatories on September 12, 2008. Plaintiffs' responses are not yet due to these discovery requests. Defendants also served Howard Stern and Cindy Hanson with deposition notices, and served CLRB Hanson Industries, LLC with a Notice of Rule 30(b)(6) Deposition. The parties are negotiating the scope, schedule, and validity of the requested depositions. Because of medical issues, the deposition of CLRB's 30(b)(6) witness cannot take place until mid-November at the earliest.

Dated: September 26, 2008

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